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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA – LAS VEGAS**

DAVID CHERRY and ALEXANDRIA)
CHERRY, individually and as next friends and)
parents of JACOB CHERRY, A Minor)
Plaintiffs,)
vs.)
CLARK COUNTY SCHOOL DISTRICT,)
SUSAN M. SMITH, individually and in her)
official capacity as capacity as Principal of)
Twitchell Elementary School, and SANDRA A.)
PIILO, individually and in her official capacity)
as Special Education Teacher, DOES I-X,)
Defendant(s))

CASE NO.: 2:11-CV-01783
ORDER DENYING DEFENDANT’S
MOTION TO DISMISS AND GRANTING
PLAINTIFFS MOTION TO AMEND

Defendants’ Motion to Dismiss having come before this Court on the 23rd day of February, 2012,
with Plaintiffs DAVID, ALEXANDRIA, and JACOB CHERRY appearing through Counsel
Roberta Ohlinger-Johnson of the Law Firm HARRIS YUG AND OHLINGER, and with
Defendants CLARK COUNTY SCHOOL DISTRICT, SUSAN SMITH and SANDRA PIILO
appearing through Counsel Mark Ferrario and Kara Hendricks of the Law Firm GREENBERG

Order

1 TRAURIG LLP. The Court having reviewed and considered all pleadings and arguments of
2 Counsel therein, the Court orders as follows:

3 The Plaintiffs having sought claims for relief of money damages only and having
4 exhausted the informal resolution procedures of the Individuals with Disabilities Education Act,
5 20 USC § 1400 *et. seq.*, the Defendants' Motion to Dismiss is hereby DENIED, and Plaintiffs'
6 Motion to Amend is GRANTED.
7

8 IT IS SO ORDERED THIS _____, 2012
9

10 _____
11 Honorable James C. Mahan

12 Respectfully Submitted this 24th day of February, 2012

13 By: /s/ Roberta Ohlinger-Johnson
14 Roberta Ohlinger-Johnson
15 Nevada Bar Number 10946
16 HARRIS, YUG & OHLINGER
17 ATTORNEYS FOR PLAINTIFFS

18 Approved as to Form and Content this 27th day of February, 2012

19 By: /s/ Kara Hendricks
20 Mark Ferrario
21 Nevada Bar Number 1625
22 Kara B. Hendricks
23 Nevada Bar Number 7743
24 GREENBERG TRAURIG LLP
25 ATTORNEYS FOR DEFENDANTS

26 ATTESTATION OF FILING

27 Pursuant to the Electronic Filing Procedures dated 24 August 2006 (Revised) of the United
28 States District Court for the District of Nevada, I hereby attest that I have obtained concurrence
in the filing of this Order from all of the parties listed in the signature blocks above.

By: /s/ R. Ohlinger-Johnson
Roberta Ohlinger-Johnson

Order